

**RESOLUTION NO. 75076**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE APPROVING THE ANNUAL REPORT FOR  
FISCAL YEAR 2009-2010 OF THE DIRECTOR OF  
FINANCE ON SANITARY SEWER SERVICE AND USE  
CHARGES AND STORM SEWER SERVICE CHARGES  
AND APPROVING THE PLACEMENT OF CHARGES AS  
SET FORTH THEREIN ON THE 2009-2010 TAX ROLL**

**WHEREAS**, since 1960 and 1991 respectively, the collection of the majority of City of San José Sanitary Sewer Service and Use charges and Storm Sewer Service charges has been accomplished by placing the charges (with certain exceptions) on the County of Santa Clara property tax rolls; and

**WHEREAS**, on June 16, 2009 the City Council of the City of San José ("City Council") adopted Resolution No. 74976 establishing Sanitary Sewer Service and Use charges and Storm Sewer Service charges, effective July 1, 2009; and

**WHEREAS**, pursuant to San José Municipal Code Sections 15.12.550 and 15.16.1410, and Resolution No. 75026, approved by the City Council on June 23, 2009 and which extended the due date of the written report to July 17, 2009, the Director of Finance submitted a written report to the City Clerk containing a description of the tax roll properties receiving sanitary sewer service and storm sewer service and the amount of the Sanitary Sewer Service and Use charges and Storm Sewer Service charges for each parcel for the forthcoming fiscal year; and

**WHEREAS**, the Finance Director's report identified over 224,000 parcels, and recommended placement of the charges for the sanitary sewer service and storm sewer service on the tax rolls; and

**WHEREAS**, pursuant to San José Municipal Code Sections 15.12.550 and 15.16.1430 and the adoption of Resolution No. 75026 by the City Council, the City Clerk set the public hearing on the Report of the Finance Director for August 4, 2009 at 1:30 p.m., or as soon thereafter as the matter may be heard, in the Council Chambers at City Hall, located at 200 East Santa Clara Street, San José, California, and published notices of said hearing in accordance with the San José Municipal Code; and

**WHEREAS**, Sanitary Sewer Service and Use and Storm Sewer Service charge collections will be approximately \$140,000,000 for fiscal year 2009-2010, as a result of the public hearing, and have been allocated by the City Council to various allowable sewer related functions as part of the adoption of the 2009-2010 budget;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The 2009-2010 annual Sanitary Sewer Service and Use Charge and Storm Sewer Service Charge Report of the Director of Finance is hereby approved.
2. Placement of the Sanitary Sewer Service and Use charges and Storm Sewer Service charges as set forth in the July 10, 2009 Report of the Director of Finance on the 2009-2010 tax rolls is hereby approved.

ADOPTED this 4<sup>th</sup> day of August, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk